



**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF THE PUBLIC ACCESS TELEVISION CORPORATION

The Public Access Television Corporation appreciates the opportunity to file comments on the Second Further Notice and Proposed Rule-making (“FNPRM”) in the above-referenced docket. The Public Access Television Corporation (PATV) serves over 17,500 subscribers in the incorporated villages of Great Neck/North Shore on Long Island, NY. It runs two channels and has been in operation for over thirty years. PATV cablecasts seven days per week, and offers a message and video community bulletin board for its community as well as video on demand and live streaming. PATV provides training, television equipment, and studio facilities to local residents and organizations that wish to create non-commercial community programming.

All of its signature projects (Playwrights Project, Youth Project & Women in Technology) have received awards and PATV was named first place for “Overall Excellence in Public Access TV” in 2004, 2008, 2013, 2016 and 2017 by the Alliance for Community Media, a national

organization representing more than 3000 community television access centers. PATV has also received two New York Emmy nominations for our Veterans Project. These awards speak to PATV's exemplary outreach to and representation of the community.

We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

The reduction of franchise fees will undoubtedly put this organization out of business, not to mention hundreds if not thousands of other PEG stations across the nation. The value of PATV non-commercial programming is that it offers viewers localism, diversity of viewpoints, civic engagement, dialogue, and discussion of issues that can not be seen on any other channel.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, *The Public Access Television Corporation provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite.* Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.

PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The links below are to videos that highlight the programming we provide as a service to the community - a NY Senate Candidate Forum, the county District Attorney's introduction of the new School Safety Task Force and our emmy nominated Vietnam Veterans Program.

CANDIDATES' NIGHT- Elaine Phillips -Anna Kaplan, NYS Senate, District 7

<https://www.youtube.com/watch?v=AThQifEiDP8&t=9s>

Nassau County School and Community Safety Task Force

<https://www.youtube.com/watch?v=Wl5BLJ7n2uI>

Emmy Nominated - "WELCOME HOME: Vietnam Veterans' Stories"

<https://www.youtube.com/watch?v=4dyFofVCPnU&t=793s>

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. Schaufeld", is positioned above the printed name and title.

Robert Schaufeld
President, Board of Directors
The Public Access Television Corporation
11/5/18